

1 ROBBINS GELLER RUDMAN
2 & DOWD LLP
3 SHAWN A. WILLIAMS (213113)
Post Montgomery Center
One Montgomery Street, Suite 1800
San Francisco, CA 94104
4 Telephone: 415/288-4545
415/288-4534 (fax)
5 shawnw@rgrdlaw.com
- and -
6 FRANK J. JANECEK, JR. (156306)
CHRISTOPHER COLLINS (189093)
7 655 West Broadway, Suite 1900
San Diego, CA 92101
8 Telephone: 619/231-1058
619/231-7423 (fax)
9 frankj@rgrdlaw.com
chrisc@rgrdlaw.com
10
11 Attorneys for Plaintiff
12 [Additional counsel appear on signature page.]
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15 ROBERT KLEER, Individually and on Behalf) Case No. CV11-06630-HRL
of All Others Similarly Situated,)
16) STIPULATION
Plaintiff,)
17)
vs.)
18 CARRIER IQ, et al.,)
19)
Defendants.)
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1 In support of this Stipulation, Robert Kleer ("Plaintiff" or "Kleer") and HTC America, Inc.
2 ("Defendant" or "HTC America, Inc.") or (collectively, the "Parties"), state as follows:

3 WHEREAS the above-referenced Plaintiff filed the above-captioned case;

4 WHEREAS the above-referenced Plaintiff alleges violations of the Federal Wiretap Act and
5 other laws by the Defendant in this case;

6 WHEREAS over 50 other complaints have been filed to-date in federal district courts
7 throughout the United States by plaintiffs purporting to bring class actions on behalf of cellular
8 telephone and other device users on whose devices software made by defendant Carrier IQ is or has
9 been embedded (collectively, including the above-captioned matter, the "CIQ cases");

10 WHEREAS, a motion is pending before the Judicial Panel on Multidistrict Litigation to
11 transfer the CIQ cases to this jurisdiction for coordinated and consolidated pretrial proceedings
12 pursuant to 28 U.S.C. Sec. 1407, and responses to the motion supporting coordination or
13 consolidation have been filed;

14 WHEREAS, in light of the pending MDL Motion and to facilitate an orderly schedule for
15 responding to the pleadings in the CIQ cases, the Parties have agreed that the deadline for HTC
16 America, Inc. to answer, move, or otherwise respond to the Complaint shall be extended until 45
17 days after the Judicial Panel on Multidistrict Litigation issues an order deciding the MDL Motion, or
18 as otherwise ordered by the MDL transferee court if the MDL Motion is granted; **provided**, however,
19 that in the event that HTC America, Inc. shall respond on an earlier response date in any of the CIQ
20 cases, HTC America, Inc. shall respond to the Kleer Complaint on that earlier date;

21 WHEREAS this Stipulation does not constitute a waiver by HTC America, Inc. of any
22 defense, including but not limited to the defenses of lack of personal jurisdiction, subject matter
23 jurisdiction, improper venue, sufficiency of process or service of process;

24 WHEREAS, the Parties agree that that preservation of evidence in the CIQ cases is vital, that
25 defendant has received litigation hold letters, that they are complying with and will continue to
26 comply with all of their evidence preservation obligations under governing law, and that the delay
27 brought about by this Stipulation shall not result in the loss of any evidence;

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1 NOW THEREFORE, Kleer and HTC America, Inc., by and through their respective counsel
2 of record, hereby stipulate as follows:

3 1. The deadline for HTC America, Inc. to answer, move, or otherwise respond to the
4 Complaint in the above-captioned case shall be extended until 45 days after the Judicial Panel on
5 Multidistrict Litigation issues an order deciding the MDL Motion, or as otherwise ordered by the
6 MDL transferee court if the MDL Motion is granted; ***provided***, that in the event that HTC America,
7 Inc. shall respond on an earlier response date in any of the MDL Cases, HTC America, Inc. shall
8 respond to the Kleer Complaint on that earlier date.

9 2. In the event that HTC America, Inc. provides documents or information to any
10 plaintiff in any of the MDL cases or any of the various actions filed in the many Districts throughout
11 the United States, HTC America, Inc. will provide those documents or information to Kleer at the
12 same time and in the same format.

13 3. As a further condition of entry into this Stipulation, Defendant agrees that they are
14 complying with and will continue to comply with all evidentiary preservation obligations under
15 governing law.

16 This Stipulation does not constitute a waiver by HTC America, Inc. or any other named
17 defendant joining the Stipulation of any defense, including but not limited to the defenses of lack of
18 personal jurisdiction, subject matter jurisdiction, improper venue, sufficiency of process, or service
19 of process.

20 || IT IS SO STIPULATED.

21 | DATED: December 30, 2011

ROBBINS GELLER RUDMAN
& DOWD LLP
FRANK J. JANECEK, JR.
CHRISTOPHER COLLINS

s/ CHRISTOPHER COLLINS
CHRISTOPHER COLLINS

655 West Broadway, Suite 1900
San Diego, CA 92101
Telephone: 619/231-1058
619/231-7423 (fax)

1 ROBBINS GELLER RUDMAN
2 & DOWD LLP
3 SHAWN A. WILLIAMS
4 Post Montgomery Center
5 One Montgomery Street, Suite 1800
San Francisco, CA 94104
Telephone: 415/288-4545
415/288-4534 (fax)

6 ROBBINS GELLER RUDMAN
7 & DOWD LLP
8 PAUL J. GELLER
9 STUART A. DAVIDSON
MARK DEARMAN
10 120 East Palmetto Park Road, Suite 500
Boca Raton, FL 33432
Telephone: 561/750-3000
561/750-3364 (fax)

11 Attorneys for Plaintiff

12 DATED: December 30, 2011

13 MUNGER, TOLLES & OLSON LLP

14 _____
15 /s/ Rosemarie T. Ring
Rosemarie T. Ring

16 HENRY WEISSMANN (SBN 132418)
17 Henry.Weissmann@mto.com
355 South Grand Avenue,
18 Thirty-Fifth Floor
19 Los Angeles, CA 90071-1560
Telephone: (213) 683-9100
Facsimile: (213) 687-3702

20 ROSEMARIE T. RING (SBN 220769)
Rose.Ring@mto.com
21 JONATHAN H. BLAVIN (SBN 230269)
Jonathan.Blavin@mto.com
22 VICTORIA L. BOESCH (SBN 228561)
Victoria.Boesch@mto.com
23 BRYAN H. HECKENLIVELY (SBN 279140)
Bryan.Heckenlively@mto.com
24 560 Mission Street
25 Twenty-Seventh Floor
26 San Francisco, CA 94105-2907
Telephone: (415) 512-4000
Facsimile: (415) 512-4077

27 Attorneys for Defendant HTC America, Inc.
28

CERTIFICATE OF SERVICE

I hereby certify that on December 30, 2011, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I caused to be mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on December 30, 2011.

s/ CHRISTOPHER COLLINS
CHRISTOPHER COLLINS

ROBBINS GELLER RUDMAN
& DOWD LLP
655 West Broadway, Suite 1900
San Diego, CA 92101-3301
Telephone: 619/231-1058
619/231-7423 (fax)

E-mail:ChrisC@rgrdlaw.com